

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BAKER COLLEGE, et al.,

Plaintiffs,

v.

Case No. 13-13226

BLUE CROSS AND BLUE SHIELD
OF MICHIGAN,

Defendant.

ORDER STAYING THE ACTION

Plaintiffs say their action “involve[s] the *same* facts, *same* claims, and *same* applicable law” as an action in the court of appeals, *Hi-Lex Controls, Inc. v. Blue Cross Blue Shield of Michigan*, 13-1773 (6th Cir.). (Pg ID 134.) They say this, oddly enough, in a paper *opposing* Defendant’s motion to stay this action pending an outcome in the *Hi-Lex* appeal. Plaintiffs seek to use the district court’s *Hi-Lex* decision to preclude a defense of this action on the merits, but they argue too much. *Hi-Lex*’s importance to this action is a reason to stay the action, not a reason to proceed with it.

The *Hi-Lex* appeal can be safely ignored, Plaintiffs argue, because the district court’s decision will be affirmed based on a recent authority, *Pipefitters Local 636 Insurance Fund v. Blue Cross Blue Shield of Michigan*, 12-2265 (6th Cir., June 18, 2013). This is just an attempt to litigate the *Hi-Lex* appeal here. A month ago, moreover, the *Hi-Lex* appellees invoked *Pipefitters* in a motion to expedite the appeal, so the court of appeals will consider Plaintiffs’ argument shortly.

This action joins more than a dozen others paused by the *Hi-Lex* appeal. See Mot. of Appellees to Expedite Appeal at 3-4, *Hi-Lex*, 13-1773 (6th Cir., Aug. 7, 2013) (collecting cases). IT IS ORDERED that the motion to stay [Dkt. # 10] is GRANTED and that the action is STAYED pending the court of appeals's decision.

Further, Plaintiff's counsel is DIRECTED to file a notice on the docket of this case upon the issuance of the mandate by the Court of Appeals in #13-1773.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 11, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 11, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522